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19 **UNITED STATES BANKRUPTCY COURT**

20 **DISTRICT OF NEVADA**

13 In re:	Case No.: 22-14422-NMC
14 MUSCLEPHARM CORPORATION,	Chapter 11
15 Debtor.	
16	Adv. P. No. 23-01014-NMC
17 WHITE WINSTON SELECT ASSET FUNDS, LLC,	
18 Plaintiff,	
19 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,	
20 Intervenor Plaintiff,	
21 v.	
22 EMPERY TAX EFFICIENT LP, EMPERY TAX EFFICIENT III, EMPERY DEBT OPPORTUNITY FUND, LP, EMPERY MASTER ONSHORE, LLC, IONIC VENTURES, LLC, INTRACOASTAL CAPITAL LLC, BIGGER CAPITAL FUND, LP, DISTRICT 2 CAPITAL FUND LP, L1CAPITAL GLOBAL OPPORTUNITIES MASTER FUND, ALTIUM GROWTH FUND, LP, CVI INVESTMENT INC., ROTH CAPITAL PARTNERS, LLC, and WALLEYE OPPORTUNITY MASTER FUND LTD.	

1 Defendants.

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3 **STIPULATION TO EXTEND DEADLINE TO FILE AMENDED INTERVENOR**
COMPLAINT AND RESPOND TO COMPLAINTS

4 Defendants Empery Tax Efficient LP, Empery Tax Efficient III, Empery Debt Opportunity
 5 Fund, LP, Empery Master Onshore, LLC, Ionic Ventures, LLC, Intracoastal Capital LLC, Bigger
 6 Capital Fund, LP, District 2 Capital Fund LP, L1Capital Global Opportunities Master Fund,
 7 Altium Growth Fund, LP, CVI Investment Inc., Roth Capital Partners, LLC, and Walleye
 8 Opportunity Master Fund Ltd (together, the “Empery Parties”),¹ White Winston Select Asset
 9 Funds, LLC (“White Winston”), and the Official Committee of Unsecured Creditors (the
 10 “Committee” and, together with the Empery Parties and White Winston the “Parties”), by and
 11 through their respective undersigned counsel, hereby stipulate as follows:

12 1. On December 15, 2022, MusclePharm Corporation (the “Debtor”) filed its
 13 voluntary petition for relief under Chapter 11, thereby commencing the above-captioned Chapter
 14 11 case (the “Chapter 11 Case”). See Case No. 22-14422-NMC, ECF No. 1.

15 2. On March 8, 2023, the Bankruptcy Court entered the *Final Order Regarding*
 16 *Emergency Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, and*
 17 *364 and Fed. R. Bankr. P. 4001(B) and 4001(D): (I) Authorizing the Debtor to Obtain Post-*
 18 *Petition Financing; (II) Granting Priming Liens and Administrative Expense Claims; (III)*
 19 *Determining Adequate Protection; (IV) Modifying the Automatic Stay; and (V) Granting Related*
 20 *Relief [Bankr. Docket No. 296] (the “Final DIP Order”) in the Chapter 11 Case. Id., at ECF No.*
 21 *296.*

22 3. Paragraph 4 of the Final DIP Order provides as follows:

23 **Approval of the Challenge Periods.** The Committee shall have until April 10,
 24 2023 (such period, the “Committee Challenge Period”) to investigate and challenge
 25 and otherwise object to the allowance of the Allowed Claim (defined below). The
 26 Releases (included in this Final Order and which are included in the Loan
 27 Documents) are not a defense to a claim objection brought by the Committee during
 28 the Committee Challenge Period. White Winston shall have until March 9, 2023

¹ The Empery Parties specially appear for the sole purpose of entering into this stipulation, but do not waive any defenses or other challenges to the Complaint and/or Amended Complaint.

1 (such period, “White Winston Challenge Period,” and together with the Committee
 2 Challenge Period, the “Challenge Periods”) to investigate, challenge and otherwise
 3 object to the allowance of the Allowed Claim (other than challenges and objections
 based upon the Debtor’s or the Estate’s claims). . .

4 4. On March 9, 2023, White Winston filed a complaint (the “Complaint”) thereby
 5 commencing the above-captioned adversary proceeding. See ECF No. 1.

6 5. The Empery Parties’ response to the White Winston Complaint is due on or before
 7 April 10, 2023 (the “Response Deadline”).

8 6. On April 4, 2023, this Court entered an *Order Granting Emergency Motion of the*
 9 *Official Committee of Unsecured Creditors to Intervene in Adversary Proceeding* [ECF No. 29];

10 7. The Committee has advised of an intent to file an amended intervenor complaint
 11 (the “Amended Complaint”) within the Committee Challenge Period, which is April 10, 2023.

12 8. The Parties have met and conferred and agreed to extend the deadline for the filing
 13 of the Amended Complaint up to and including April 24, 2023, and that the filing of such Amended
 14 Complaint shall be deemed to have been filed within the Committee Challenge Period if it is filed
 15 on or before April 24 2023.

16 9. The Parties have met and conferred and also agreed to extend the Response
 17 Deadline for the Empery Parties to file an answer or otherwise respond to the Complaint and/or
 18 the Amended Complaint, as applicable, to 30 days after the filing of the Amended Complaint.

19 **IT IS SO STIPULATED.**

20 Dated this 10th day April, 2023.

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